

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 5097 of 2018

- Saheb Lal S/o Khorau Satnami Aged About 35 Years R/o Nawagaon Hatha, Police Station - Pandaria, District Kabirdham Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pandaria, District Kabirdham Chhattisgarh.

---- Non-applicant

For Applicants : Shri D.C. Verma, Advocate.

For Non-applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board09.10.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 196/2017 registered at Police Station – Pandaria, District – Kabirdham (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is near about 30 years old. She is weak minded woman. On 15.11.2017 at about 10 / 10:30 am, applicant had committed forcible sexual intercourse with the prosecutrix in his field. The incident was seen by the father of the prosecutrix.
4. Learned counsel for the applicant argued that chargesheet has

already been filed. Applicant is in custody since 16.11.2017. As per the M.L.C. report no injury was found on the body of the prosecutrix. Prima facie it is a case of false implication. The applicant has no criminal background, he is innocent, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. M.L.C. report is the subject matter of scrutiny of the evidence, which could be done by the trial Court at the time of disposal of the case.

7. Looking to the facts and circumstances of the case, looking to the fact that the prosecutrix is weak minded woman, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

8. Consequently, the present bail application is rejected.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE